

VIA ELECTRONIC FILING

May 7th, 2024

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

**Re: Defendant continues to ignore Orders
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162**

Dear Judge Gorenstein:

I write regarding the Court's April 26th, 2024 Order, denying Defendant's request for an extension for failing to comply with Docket # 235. Plaintiff seeks to supply his sworn statement.

Additionally, Defendant has made it clear he does not read this Court's orders. He allowed the discovery deadline to lapse, despite his obligation to seek extensions. His belated extension request was denied, and he seems entirely unaware. Plaintiff requests that the Court remind them that they are to read filings in this action.

After the Court's April 17th Conference, the parties realized that we had failed to request an extension of the discovery deadline during it, and agreed to a length of extension and it was Plaintiff's understanding that Defendant would be preparing the application.

Mr. Rodriguez emailed on April 25th, pointing out that "might be a good idea to inquire about an extension..." to which Plaintiff reminded him that we had discussed it and that Defendant agreed to be filing it. He responded "I guess it was up in the air as to who was going to do it". The next day the request was denied. Defendant's weekly letter to Plaintiff was sent later that evening making no mention of the Docket # 264:

*The deadline for discovery has passed since the court conference was held.
The letter to Judge Schofield as required by Paragraph 13.b of Docket #77
was be filed by April 25, 2024. It is likely the court will extend both deadlines,
but to this point we have not been told of an extension.*

Defendant's request also incorrectly claims that the extension is required to "...so the Platinnff can complete his review of the documents provided to him". Defenant has not turned over a single page of additional documents from Victor this entire year. The issue is not reviewing documents, but rather he is doing nothing to further discovery.

Having not heard from Defendant regarding filing a new request, I emailed him on May 1st, raising discovery issues and pointing out that the extension request was denied, and providing a statement to fulfill the Docket # 235 requirements:

As you are both no doubt aware, you are very much not in compliance with the Court latest order and several others before it...since your extension request was denied, do you plan on bringing it into compliance?

For my part of that: "Plaintiff has been working to ascertain what had been done in relation to Defendant's production and compel production. Meeting the current deadline was impossible given the lack of disclosure."

Their May 2nd response did not address the denial of their extension request, but instead tried to deflect and point to issues they preferred to raise claiming:

We are not "very much not in compliance" with the Court's latest order or others before it.

They sent another weekly letter to Plaintiff on May 3rd that stated:

The deadline for discovery has passed since the court conference held on April 17, 2024. The letter to Judge Schofield as required by Paragraph 13.b of Docket #77 was to be filed by April 25, 2024. It is likely the court will extend both deadlines, but to this point we have not been told of an extension.

The weekly letters were intended to make sure Defendant was aware of and complying with deadlines but instead have done little then highlight their inattention. Their lackadaisical letters have made what was to be a sanction, meaningless. They are inaccurate and devoid of usable details. Time after time, two attorneys are both unable to simply check their emails and read this Court's orders. When Plaintiff tries to have them comply, they double down without any sort of diligence. They have also seemly learned little from the Court's prior orders.

Plaintiff requests that the discovery schedule be extended as requested in Docket #264 to July 18th, 2024 from April 18th and that the Letter to Judge Schofield be extended to July 25th, 2024 from April 25th.

Additionally, Plaintiff requests that the Court address the issue of Defendant's repeated inability to monitor the docket and comply with Orders.

Respectfully submitted,

/s/Tyler Erdman
Plaintiff Pro Se
917-301-0401
Tyler@Erdman.it

The discovery deadline is extended to July 18, 2024. The letter to Judge Schofield as required by paragraph 13.b of Docket #77 shall be filed by July 25, 2024. The Court is issuing this Order notwithstanding the fact that neither side complied with the requirements of Docket # 235. For any further extension request, compliance with Docket # 235 (specifically, the sworn statements) will be required.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge

May 8, 2024